

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

BENJAMIN T. KENNEDY (CASBN 241350)
Assistant United States Attorney

150 Almaden Boulevard
San Jose, California 95113
Telephone: (408) 535-5059
Facsimile: (408) 535-5066
Email: benjamin.t.kennedy@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00745 JF
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME FROM
v.)	APRIL 7, 2008 TO APRIL 16, 2008 FROM
)	THE SPEEDY TRIAL ACT
JOSE TORRES-CALDERON,)	CALCULATION (18 U.S.C. §
)	3161(h)(8)(A))
Defendant.)	
)	
)	

The parties stipulate that the time between April 7, 2008 and April 16, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

//

1 18 U.S.C. §3161(h)(8)(A).

2
3 DATED: April 7, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

4
5 /s/
6 BENJAMIN T. KENNEDY
Assistant United States Attorney

7
8 /s/
9 ALFREDO MORALES
Attorney for Defendant

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between April 7, 2008 and April 16, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE